

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

NICCO T. BARNETT,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-12-897-W
)	
TIM WILKINSON, Warden,)	
)	
Respondent.)	

ORDER

On November 26, 2014, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the Petition for Writ of Habeas Corpus ("Petition") filed by petitioner Nicco T. Barnett be denied. Barnett, proceeding pro se, was advised of his right to object, see Doc. 18 at 16, but no objections have been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's suggested disposition of this matter. Barnett's Petition was filed under title 28, section 2254 of the United States Code, and the grounds for relief raised therein were presented to, and denied by, the Oklahoma Court of Criminal Appeals ("OCCA"). See Doc. 1-1.

Accordingly, pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), this Court may grant habeas relief on these same claims only if the OCCA's adjudication "was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the [United States] Supreme Court . . . ," 28 U.S.C. § 2254(d)(1), or "resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding."

Id. § 2254(d)(2):

The Court's review under AEDPA is deferential, e.g., Aycox v. Lytle, 196 F.3d 1174, 1177 (10th Cir. 1999), and in the absence of any showing by Barnett that the OCCA's rejection of his claims was contrary to, or involved an unreasonable application of, clearly-established Supreme Court precedent or represented an unreasonable determination of the facts in light of the evidence presented at trial, the Court finds Barnett is not entitled to relief on these claims.

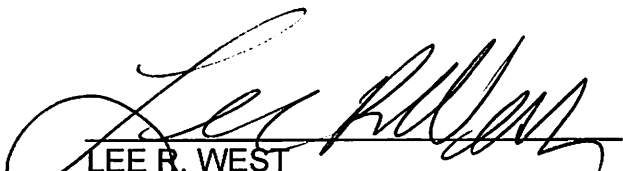
Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 18] issued on November 26, 2014;

(2) DENIES Barnett's Petition [Doc. 1] file-stamped August 17, 2012; and

(3) ORDERS judgment to issue forthwith in favor of respondent Tim Wilkinson, Warden, and against Barnett.

ENTERED this 30th day of December, 2014.


LEE R. WEST
UNITED STATES DISTRICT JUDGE